

ORIGINAL

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In the Matter of )

Closed Captioning of Video Programming )

Telecommunications for the Deaf, Inc. )

Petition for Rulemaking )

Federal Communications Commission  
Office of Secretary

DOCKET CG Docket No. 05-231

To: The Commission

**COMMENTS OF LINCOLN BROADCASTING COMPANY**  
**(KTSF-TV, SAN FRANCISCO, CALIFORNIA)**

Lincoln Broadcasting Company, A California Limited Partnership ("Lincoln"), licensee of commercial independent television broadcast station KTSF (TV and DT) San Francisco, California ("KTSF" or "Station"), submits by its attorneys these Comments in response to the *Notice of Proposed Rulemaking* ("Notice") in this proceeding.<sup>1</sup>

**I. SUMMARY<sup>2</sup>**

In the *Notice* the Commission asks what changes it should make to assure the effectiveness of its 1998 closed captioning rule.<sup>3</sup> In these Comments Lincoln adduces record support for not changing -- i.e., retaining -- the Section 79.1(d)(3) exemption for programming other than in English or Spanish, whose adoption Lincoln supported in Comments and Reply Comments filed in 1997.<sup>4</sup> As shown herein, that exemption continues to be essential to KTSF's provision of its substantial, rich and varied schedule of programming, much of it locally-produced, to serve large, historically-underserved and multiple Asian- and other foreign-language audiences in the KTSF service area. The technological, practical and cost obstacles to closed captioning this

<sup>1</sup> *Closed Captioning of Video Programming, Telecommunications for the Deaf, Inc., Petition for Rulemaking*, FCC 05-142, released July 21, 2005 ("Notice").

<sup>2</sup> Provided per Notice, para. 62.

<sup>3</sup> Notice, paras. 1, 9.; 47 C.F.R. Sect. 79.1.

<sup>4</sup> Lincoln Comments filed February 27, 1997 and Reply Comments filed March 31, 1997 in MM Docket No. 95-176 and cited in *Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, MM Docket No. 95-176, Report and

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programming are as real and insurmountable today as in 1997. Accordingly, without the exemption the programming could not be made available to the viewing public, including but not limited to the hearing -impaired viewers for whom Lincoln provides open or electronic news gathering ("ENR")-technique captioning for as much of the programming as possible. English-language captioning of the foreign-language programming is both infeasible due to time and expense and ineffective for the programs' intended foreign-language audiences.

## **II. LINCOLN'S INTEREST, AND QUALIFICATIONS TO COMMENT, IN THIS PROCEEDING**

In the Captioning Report and Order (at 3343, para. 146) the Commission adopted "a class exemption for captioning of non-Latin-based language programming KTSF programming is mainly in those languages. KTSF is a family-owned, independent, commercial broadcast station that has served the San Francisco Bay Area community continuously since 1976. Throughout those nearly three decades, KTSF has chosen to concentrate on serving the needs and interests of traditionally underserved segments of the audience, particularly but not exclusively Asian-language. As a result, KTSF has become one of California's, and the nation's, leading and largest multilingual television stations. Audience research shows that 285,000 homes (approximately 770,000 people) watch KTSF each week.<sup>5</sup> KTSF relies on Section 79.1(d)(3) to provide these viewers with the quality programming summarized below, and, as shown below, could not do so without the foreign language exemption.

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Order, 13 FCC Rcd 3272, 3319 and 3343, paras. 97 and 146 (August 22, 1997) ("Closed Captioning Report and Order").

<sup>5</sup> Nielsen Media Research Local People Meter Data for the San Francisco DMA, Sept. 2005. According to information from the 1990 Census (the most recent available for this type of information), nearly 80% of Asians in the San Francisco Bay Area speak a language other than English at home. More than 50% of those who speak an Asian

Each week, KTSF offers 83.5 hours of entirely foreign-language programming. Approximately 40.5 of those hours are news. An additional 3.5 hours weekly contains mixed foreign language and English. About 100% of KTSF's prime-time schedule, and 61% of its total schedule from 6:00 am to 2:00 am,<sup>6</sup> is in languages other than English or Spanish.

Because KTSF primarily serves Northern California's Asian communities, the Station's foreign-language programming consists largely of the rich, diverse tapestry of non-Latin-based languages spoken by those audiences. For example, KTSF airs 7.5 hours of foreign-language news every weekday, 2 hours each Saturday and 1 hour on Sundays. Those news programs include, each week: 15 hours of KTSF-produced live Chinese news in two dialects (Mandarin and Cantonese), aired for 3 hours (2 of them live), each weeknight; 2.5 hours of KTSF-produced live Mandarin talk programming; a half-hour KTSF-produced Hong Kong news recap; and 2 half-hour KTSF-produced Asian-language public affairs programs.<sup>7</sup> The Station also airs 5 hours of Filipino news weekly, 30 minutes of it locally-produced.<sup>8</sup>

To maintain this schedule the Station receives approximately 75 hours of news feeds per week from foreign news sources such as NHK in Japan, the Korean Broadcasting Company, ATV in Hong Kong, CCCTV in China and CTI News in Taiwan. Each day between receipt of the feeds and air time KTSF staff typically reviews and distills the foreign language feeds down to less than half their length for integration into Station newscasts. *None of the feeds contains closed captions -- the technology does*

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language indicate that they do not speak English "very well," and fully 32% are considered "linguistically isolated."

<sup>6</sup> This time period is used because programming from 2:00-6:00 a.m. is exempt under Section 79.1(d) (5).

<sup>7</sup> Titled "Asian Journal," on a rotating basis these public affairs programs are broadcast in Mandarin and Cantonese Chinese, Japanese, Vietnamese, Korean and Laotian. The Station also carries a substantial amount of non-news programming in Japanese, Mandarin and Cantonese Chinese and Vietnamese, and regularly programs in the other non-Latin-based tongues of Hindi, Farsi and Greek.

<sup>8</sup> To serve its viewers and the advertisers who wish to reach them, KTSF also maintains a full-service production facility with the capability to create original programming and commercials featuring the languages of its diverse

*not exist for Asian-language closed captioning. The time delay and expense of open captioning this material in the U.S., specified below, would effectively eliminate KTSF's news programming.*

### **III. THE COMMISSION SHOULD CONTINUE THE SECTION 79.1(d)(3) EXEMPTION.**

Whenever feasible Lincoln airs with open captions the Chinese-language news programming it produces. That can be feasible using the ENR technique because KTSF generates scripted material which it can use for open captions during the broadcasts, and because both Chinese dialects utilize the same written characters. Recently and periodically since January 1, 1998, Lincoln has investigated the feasibility of including closed captions in the Station's non-English-language programming. Lincoln continues to monitor new digital technology. Based on this experience, presently-available captioning technology will not support closed captioning in the foreign languages of KTSF broadcasts. In fact, closed captioning technology for these languages does not appear even to exist in the native countries of these languages, which to the best of Lincoln's knowledge do not require closed captioning. English-language captioning of the foreign-language audio track would be prohibitively expensive, preclude timely broadcast of news and other time-sensitive material, and provide little or no benefit for viewers of KTSF's foreign-language programming with hearing disabilities.

Lincoln's research shows that the costs of open captioning would be dramatic. For example, the total costs to open caption one hour of Chinese-language programming could approximate \$5700. Because technology will not support closed captioning in the original language of the program, the Chinese-language audio would first have to be translated into English. Such translation services are available commercially at a cost of as much as \$4200.

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audience.

per hour of dialogue. Thereafter, open captions would have to be input into a Chinese graphic system and then added, at an additional cost of \$1500. or more per hour of programming. Clearly these costs are prohibitive. In addition to cost, the process would consume one to two weeks of time for each hour of programming.

Even if they were affordable, such expenditures would not even advance the goals of Section 713. First, the cost is so high that an open captioning requirement would force discontinuation of the programming absent an exemption. Second, the process would work only for pre-produced or "library" programming; there would not be time to translate and open caption daily satellite-delivered newscasts or other live or locally-produced programs. Third, Lincoln knows of no persons who are fluent in the necessary range of languages and stenographically skilled enough to perform simultaneous translation and captioning on a real-time basis for the station's live news programs. This process also has technical shortcomings: for example, the need to create a copy of the program to obtain the translated audio track for captioning purposes results in a generational loss in the technical quality of the video portion of the program. Finally, the very notion of such a translated captioning regime begs the fundamental question, namely, how is the public interest served by providing English captions to hearing-impaired audiences who rely on the program because they speak either no English or English as a second language? Plainly this cannot be a result intended by Congress or the Commission.

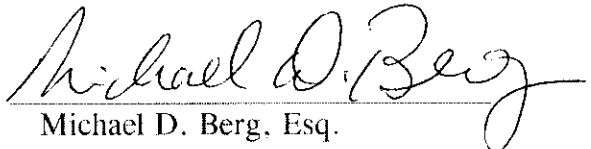
**IV. CONCLUSION**

For all the foregoing reasons, Lincoln urges the Commission to retain the Section 79.1(d)(3) exemption for programming for which the audio is in a language other than English or Spanish.

Respectfully submitted,

**LINCOLN BROADCASTING COMPANY,  
A CALIFORNIA LIMITED PARTNERSHIP**

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November 10, 2005

Attachment: Declaration of Victor Marino

## DECLARATION

I, Victor Marino, Program Director of KTSF, San Francisco, CA, declare that I assisted in the preparation of, and have read, the foregoing Comments of Lincoln Broadcasting, A California Limited Partnership (KTSF, San Francisco, California), in CG Docket No. 05-231. I obtained or oversaw the development of the factual material contained therein, and declare under penalty of perjury that said material is true and correct to the best of my knowledge. Executed on November 9, 2005.

A handwritten signature in black ink, appearing to read "Victor Marino", is written over a horizontal dashed line.

Victor Marino